FIGHT WITH BIG FIRM

British Brewery Corporation Raises Obstacles Against Judgment.

HER APPEALS UNHEEDED

Company Tries to Evade Liability by Removing Assets

to London.

The New York Breweries Company, an English corporation, of which Samuel Untermyer is general counsel and director, has just paid \$9,000 to Anna Paulina Parsan for the death of her husband in the collapse in 1908 of the Flanagan, Nay & Co. brewery at Twenty-sixth street and Tenth avenue, after fighting her claim for five years. The money was not paid, however, until after the Court of Appeals had decided every question of liability adverse to the brewery company. Another claim arising out of the same accident is also in course of settlement.

out of the same accident is also in course of settlement.

The history of the legal obstacles thrown in the way of a poor widow and her four children by the wealthy British corporation and its American attorneys reveals the efforts of the New York Ereweries Company to evade liability by removing all its assets to London and organizing a separate concern to conduct the business in this country, seeking in this way to prove that the defendant had no assets here and could not be proceeded against in this country.

Before the company decided to pay the \$9,000 to Mrs. Parsan a judgment for \$5,000 was obtained against it in a suit of Mrs. Mary Gaynor for the death of her brother, Thomas Fleming. Mrs. Gaynor's attorneys succeeded in collecting her judgment by engaging lawyers in London, who brought suit on the judgment there.

Accident Took Place in 1908.

The accident resulting in these claims against the New York Brewerles Company took place on January 7, 1908. The Flanagan-Nay building was an old one, with weoden floors and floor beams. In October, 1907, the beams of the first floor were so badly decayed that the defendant decided to put has now floor and et out. were so badly decayed that the defendant decided to put in a new floor and let out the contract. The contents of the lower floor were removed to the upper floors and the defendant continued its brewery business on the upper floors. The weight of tanks and vats on the upper floors, which were also supported by decayed beams, caused the collapse of these floors and the death and injury of many employees of the contractor who were working on the lower floor. The men killed were drowned by the contents of the vats or were crushed to death.

Martin M. Dolphin, an attorney in whose hands Mrs. Parsan put her claim, filed WILL TRY TO REMOVE

hands Mrs. Parsan put her claim, filed suit in her behalf for \$50,000. Guggen-lieimer, Untermyer & Marshall filed a notice of appearance for the New York Breweries Company. Under date of De-cember 11, 1908, Mr. Dolphin wrote the attorneys a letter in which he said:

without regard at this time to the probable results upon a trial of this action I desire to request the consideration of the helipess and somewhat numerous family formerly dependent upon the deceased for their support. The wildow of the deceased is now the sole support of four minor children under the age of 14 years, ranging from 2 years upward, one of whom is a helpless cripple and is attended by charitable surgeons. She has been this far able to get along with the assistance of her neighbors in an indifferent way and presents a most pathetic case of helpless poverty.

"These facts may be substantiated by a most casual inquiry into the present condition of the family, and under the circumstances it may be that yourselves and your client would consider or authorize the payment to the widow of a reasonable sum of money for their assistance of Becker, the four gummen and somewhat behind, although this seems to be due to extra work and responsibility probably be got out as soon as possible now that attention has been called to the convict who add figures for him.

during the children's minority. You will understand of course that irrespective of the equities in this case some time will be taken up by litigation, and it is during that period unfortunately that this helpless family will most need as-

Lawyer Dolphin promptly received a reply from Guggenheimer, Untermyer & Marshall in which the firm wrote:

"No one can regret more than a specific prompt of the No one can regret more than we do accident by which several lives were tat the time of the fall of the build-

"No one can regret more than we do
the accident by which several lives were
lost at the time of the fall of the building, but you will understand that we are
not authorized to act for our client in
any other than a strictly professional
capacity, and we are satisfied that the
New York Breweries Company is under
no liability.

"The situation of your client is pathetic.

"All of the morning and quits only at
midnight. He puts his side of it this
"Way:

"The situation of your client is pathetic and we sincerely wish that we could do something to help, but our client is an English company, with all its directors located in London. It contracted the work to responsible contractors and had no more to do with the accident than you we. We fully appreciate and thank for the spirit in which you have written and we greatly regret that we are helpless to respond to your appeal in the way we should like, but our relation to the matter is, as you know, purely professional." case went to trial in December.

1910, before Supreme Court Justice Ford and the jury gave a verdict of \$9,000 for the plaintiff. The defendant at once appealed and the attorney for the plaintiff demanded a bond because of the removal of the defendant's property to England. In moving to require the defendant to give such a bond Lawyer Dolphin referred to another action arising out of the sceident in which the attorney for the plaintiff had been unable to find officers upon whom to serve the papers and had finally served them on the foreman of the brewery. Patrick J. Tighe.

The defendant had asked to have this service set aside on the ground that Tighe was not an officer. Tighe made an affidavit in support of the motion in which he said that the defendant had a long jease on the properties comprising the Flanagan-Nay plant in Tenth avenue and the Clausen plant in East Forty-seventh street, but that the company ceased to do business here in August, 1909, and transferred its assets to the Clausen-Flanagan Brewery Company. Tighe said that the defendant had no further business interests in this country and that he was an employee of the new corporation. Lawyer Dolphin argued that the trans fer was made as a means of evading payment of personal injury claims and ter was industrial payment of personal injury claims and that the Clausen-Flanagan company was only a dummy corporation for the English concern. He found that De Witt C. Flanagan, who had been managing direc-tor of the New York Breweries Company, had become president of the new conce and that Samuel Untermyer was a di

The defendant was compelled to furnish a bond and when the case was heard by the Appellate Division the judgment was affirmed. There was one dis-senting vote, however, and under it the defendant was able to carry the case to the Court of Appeals. The opinion the highest court was written by Justice Cuddeback and was unanimous. He held that where it was understood that the brewery might continue its business on the upper floors while the repairs on the first floor were being made the defendant owed a duty to the contractor and his employees not to increase the their work by placing too great weight on the upper floors. loyees not to increase the hazard of



Warden Clancy Finds Prison

O. F. Lewis, general secretary of the Prison Association, will send a letter to-day to Superintendent Riley asking him

"Here I am, a new man, in a position of very great power over 1,500 men or so. I have had no particular knowledge or

experience of prison managemant. It will take me a long time to learn many of the things that several men under me

"Take Prisons Out of Politics."

"Don't misunderstand me. I like the

"Don't misunderstand me. I like the job and I'm going to do my best, but the principle is all wrong. The prisons ought to be taken out of politics, just as public service questions have been taken out of politics, and the prisons ought to be kept out, just as the schools are kept out. The right sort of a prison is a form of school

"So far as my knowledge goes I believe

"Make the Work a Service."

that a man can rise from the ground up by merit and the man at the top will be equipped for his task."

As showing the inefficiency of the prison system Warden Clancy called attention to the case of a veteran guard at Sing Sing, Charles Hilbert, who has been on the payroll for two years but has not been on duty. Hilbert is a very old man, a veteran of the civil war and is now totally blind. He kept the prison yard from 1874 to 1911. Yet there is no provision for retiring him with a pension.

**Cotter was attentionally being the statement of the civil war and is now totally blind. He kept the prison yard from 1874 to 1911. Yet there is no provision for retiring him with a pension.

"Take the prisons out of politics and make prison work a service in itself so that a man can rise from the ground up

way:

nyway

mastered years ago.

Misses Marion Baker and Adelaide Vernon Wearing the "Sock" Bathing Costume

make the bookkeepers comprehend what he wanted.
Gibbs, the storekeeper indicted by the Westchester Grand Jury, is still in charge of the supplies and the work of estimating their cost and arranging contracts for the prison. He apparently has had to act as a sort of comptroller, auditor and cor-poration counsel for Sing Sing for some time past.

His First Burglary.

Lane is 18 years old and has no home He said he threw the savings bank into

Alleged Thief Captured After Three

Victim Dies in Field as the Festivities Go On.

The body of a young man who was

found dead in a vacant lot near Clinton Park, Maspeth, in Queens, Saturday night was identified yesterday as that

of Leo Cotter, 25 years old, of 100 Baltic

Cotter was attacked by a gang in the dancing pavilion of the park. With two bullet wounds and a knife slash Cotter

identified by Burns as his property.

bail for examination.

SING SING LUNATIC

Clancy says he can't either. The other day he asked for a statement showing the prison's financial condition at that moment, a sort of trial balance. Not only could he not get one, but he could not make the bookkeepers comprehend what

Misses Marion Baker and Adelaide Vernon Wearing the "Sock" Bathing Costume
There wasn't much of a ripple even on the Atlantic Ocean at Long Beach yesterday afternoon when the Misses Marion Baker and Adelaide Vernon dashed out from a bathhouse near the Hotel Nasseu and to give their names photographs and to give their names and that the two girls who had just entered the surf so hurriedly were flashing the first bare kneed, short sock bathing makeup noticed in these waters the word did.

Twenty minutes or less in water deep enough to cover the heim of the very short of the series and very natty bathing skirts of black silk worn by the girls—who gave their some very sarn city fathers and very natty bathing skirts of black silk worn by the girls—who gave the shrinking maidens that when again they shrinking maidens that when again they of these ever let out a holler.

They even condescended to pose for to did to all as they had when first coming to the water. They even condescended to pose for on their way to the water. They even condescended to pose for the surf so hurriedly were flashing the direct state of the surf so hurriedly were flashing the crowd got around almost as fast as the word did.

Twenty minutes or less in water deep enough to cover the heim of the very short in the beach—they had foresworn the Long Beach offered no objection on the beach—they had foresworn the beach—they had fore worn the beach offer the warden thinks, accounts for the fact that James W. Osborne could make neither head nor tail of the accounts. Clancy says he can't either. The other

THREE WILL DICTATE TO OHIO'S INDUSTRIES

Commission of "Inquisitory' Powers Soon Supplants Six State Departments.

REGULATES WORKING DAY

vises expenditures running into the hundred thousands of dollars. Lawyers who were asked yesterday about it thought it questionable if he should be allowed to continue in charge after indictment, and said that it seemed to them that he should be suspended, without prejudice of course, pending the disposition of the charge against him.

Columbus, Ohio, July 20 .-- Big arbitrary powers in the supervision and reguation of Ohio's industries is shortly to pose the newly created State Industrial lights put in this office so that Gibbs and Commission

these three—Wallace D. Yaple of Chil-licethe, Thomas J. Duffy of East Liver-pool and M. B. Hammond of Columbus—
will take over the committee," she said. "If you say that I shall go ahead I'll go ahead." will take over the control of six State departments and will become legally OUT OF JAIL 3 DAYS. ROBS AGAIN. Boy Goes Back to Neighborhood of operate.

Three days after Sylvester Lane got out of the penitentiary after serving a year for robbing a Hudson street store he entered an apartment at 551 Hudson street, a few doors from the scene of his first burglary, and took a dime savings of Chief Inspector of Workshops and Factories, the office of Chief Examiner of this principle.

"What handwriting is there on the wall that will guarantee to you that what has always failed in the past is going to win now?"

"My contention is that until the Paterbank and some cheap jewelry.

Arthur Burns, whose apartment was robbed, notified the police. Detective of boiler rules, the office of Commissioner Campbell, who arrested Lane for his first of Labor Statistics and the State board of "My contention is that until the Paterson strikers have taken a referendum vote taken by them stands."

"You've got the bosses in a position." burglary, locked him up on Burns's com-plaint. He confessed and pleaded guilty in Jefferson Market court.

Many Activities Under Them.

Not only will all factories, shops, the river. At the time of his arrest he had half a dozen stickpins, which were plants and other manufacturing concerns come under the jurisdiction of the com-Magistrate Breen held Lane in \$2,500 mission as to operation, but also all telegraph and telephone offices, all printing establishments, all laundries, all bakeries, all hotels, depots, apartment houses, OFF FOR CONEY IN STOLEN RIG. olhouses, opera houses, halls, theatres, churches, infirmaries, childrens' homes, hospitals, medical institutions, asylums, stores and sweat shops.

About the only establishments not included are family dwellings.

"So far as my knowledge goes I believe in farm prisons, such as Great Meadow. This place is wrong, and I know it's wrong. Night buckets and doubling up are enough warrant as to that. The best administration I can give here will be heavily offset by the prison's overcrowding and out of dateness. The Sing Sing tradition is too strong to cope with. It is brutal right down to the ground. A man's a beast and is quartered like a beast.

"I'm going to ask for the reestablishment of the board of wardens so that I can meet the other men at the head of the State's prisons and get points from them. We can swap experiences and arrange for needed exchanges of men. Suppose I need a bookkeeper badly. If an inmate happens to be a good bookkeeper, all right. But it ought to be so that if I had none and Auburn had one to spare I could get him.

"Make the Work a Service."

Alleged Thief Captured After Three in the limit of the Chase in Auto.

Mile Chase in Auto.

A young man who said he was Thomas Donovan, 22 years old, but refused to tell where he lived, was held in the Manhattan avenue police court, Williamsburg, yesterday, for a hearing Wednesday on a charge of stealing a horse and buggy valued at \$500, belonging to William Selmet, proprietor of a horse exchange at 247 North Seventh street.

Selmet tied the rig in front of a cigar for the complete of the direction of Coney Island. He was pursued by Police-man Thornton in an automobile. When the fugitive was overhauled in Prospect of the resisted arrest, it is alleged. The horse was almost exhausted from its three mile run. Aside from authority to administer and enforce all existing regulatory laws, the commission has general power "to have such supervision of every employment and place of employment and of every other building and establishment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment or place of employment or building or estab-lishment to be safe and requiring the protection of life, health, safety and welfare of every employee in such employment or place of employment and every frequenter

One exercise of the commission's lower, specifically stated, is to "regulate ours of labor of employees in such employments and places of employment with regard to the health and welfare of uch employees and to such extent as the nature of the employment will reasonabl permit, not inconsistent with law.

Reviewable Only by Supreme Cour The commission's orders are reviewable only by the Supreme Court. The com-mission is required on application to grant hearings as to the reasonableness

srant hearings as to the reasonableness of any of its rules and orders.

Another power conferred on the commission gives to it the right of unlimited aspection of any establishment at any time. The law designates this as an "inquisitorial" function.

Probably the most important function of the new commission will be the conference of the new commission will be the new c

Although the prison seems certain to be abandoned soon a new power plant is not being built by the convicts. It is not very far above the foundations and could be stopped now with less loss to the State than a month hence.

Bookkeeping a Jumble.

Cotter attended a dollar picnic of the Cotter above the Association from Wallabout market. The gang surrounded him after a dance and the shooting began. Many women saw the attack and fied screaming. After the wounded man ran out the dance went on. of the new commission will be the es-tablishment of such standards of working conditions or safety devices as it may deem necessary for the halth and safety of employees in the various occupations

The warden has in his office but two men besides himself who are not convicts—a secretary and a stenographer. In all the administration of the prison only about eight men besides the warden and the guards are not convicts. All the bookkeeping is done by prisoners, which, one provision authorizes the commission One provision authorizes the commission
"to establish and maintain museums of
safety and hygiene in which shall he exhibited safety devices, safeguards and
other means and methods for the protoction or life, health, safety and welfare of
mount. Heart disease had caused his
employees."

WIDOW WINS 5 YEAR LONG BEACH GIRL BATHERS HAVE NEW FAD ENDING OF PATERSON STRIKE ANGERS I.W.W.

> Agitators at Haledon Meeting Tell 3,500 Mill Hands They Could Have Won.

> TOLD TO KEEP UP FIGHT

Serious Trouble May Be Caused if Hot Headed Follow Haywood's Advice.

PATERSON, N. J., July 20.—A crowd of 3,500 strikers, mostly foreigners who have faithfully followed the flag of the I. W. W., listened with mixed emotions at the Haledon Sunday strike meeting to-day to expressions of regret by Big Bill Haywood and Elizabeth Gurley Flynn over the actions of the general strike committee in sanctioning the return to work of the striking weavers and dyers shop by shop. Miss Flynn declared that the strikers had the manufacturers at their mercy and

Miss Flynn declared that the strikers had the manufacturers at their mercy and would have won had they hung together two weeks more. She said no such action should have been taken without a referendum voice of the strikers. Haywood admitted that a crisis had been reached on what he said was the threshold of victory.

The strikers at the meeting were sullen.
They blame the break on the American and Hebrew workers. Much indignation was expressed against those who want to return to work, and if Haywood's admonition "to get on the picket line" is carried out by the hot headed foreigners serious trouble is to be expected. erious trouble is to be expected.

Both Sides Have Lost Millions. The strike began on February 25 and the twenty-first week of idleness will end on Tuesday. The manufacturers have lost their spring and summer orders.

this evening that of the 230-000 mills in Paterson sixty-eight are now working on a fifty-five hour week basis. This means a ten hour day and five hours on Saturday. Only fifteen are working on "broken hours," with working days ranging from seven to nine hours.

It is expected that during the coming rock many mills owners will receive calls.

week many mill owners will receive calls from shop committees asking for a nine hour day and an increase in wages. The strikers asked for eight hours a day, the restoration of the 1894 wage schedule and the abolition of the three and four loom system. Many calls for shop committee meetings were announced to-day.

It was said on excellent authority to-day that there now are at work in the mills about 4,500 weavers, dyers and dyers' helpers. The total number of workers who went out in February was placed in the neighborhood of 23,000. The note of sullenness at the Haledon meeting was apparent to every one, in-cluding the speakers. The foreigners were aggrieved because it was evident the English speaking strikers have tired going hungry for the sake of the use. Those who welcome the return to work on a nine hour day resented the attempt on the part of some of the strikers to stiffen the backbones of others.

Miss Flynn Disagrees.

Miss Flynn, weakened by an attack of catarrh which prevented her from speakng in public for three days, made an impassioned address.
"I don't agree with the action of the strike committee," she said. "If you say

There were encouraging shouts from the strikers and Miss Flynn continued: departments and will become legally authorized to dictate to Ohio employers and suffered through this strike are not representing several hundred million dol- the ones who are going back to work. lars in invested capital the conditions From the beginning of this strike we have under which they will be permitted to operate.

"You've got the bosses in a position where if you stayed on strike for one, week or two weeks more they would have to come to you on their bended knees. You workers do not seem to understand that when you get the bosses in a tight bole you should squeeze them some more than

basis we can compel all shops to close at 5 P. M. This is not a question of choice but of necessity. We will be able to do more effective work inside than outside. tal to use the best we can and then maintain an organization. The bosses will never permit us to go on another strike again. The limit of resources has been reached on both sides. We have reached pretty near the end of our limit."

Wants All Back at Work.

Alexander Scott, the sandy haired Socialist editor, who has been arrested three times and is on ball under sentence to from one to fifteen years in State prison, said he would prefer the fixing of a date when all could go back on nin-"I think the strike isn't lost." he said

"It think the strike isn't lost. In sain, "It's been won because it has taught the necessity of organization."

Scott told of his experience in the Passaic county jail, which he said "was a breeding place for tuberculosis." He said it was "almost impossible to describe the jail because it's too horrible.

The Secialists have nominated Gordon

The Socialists have nominated Gordon The Socialists have nominated Gordon
Demarest for Mayor, and men who have
take a prominent part in the strike have
begun to rally the strikers behind him.
A large part of the I. W. W. followers
are not citizens and therefore cannot
vote, but if the rank and file of the weavers and dyers should become Socialists
for the purpose of venting their saids for the purpose of venting their spite against the city authorities, particularly the police, it is admitted that there would be reason for alarm. It is known that Socialists in other parts of the State will

Trotter's Reeper Is Found Dead FLEMINGTON, N. J., July 20.—Cornelius Lewis, aged 59 years, caretaker of Model



Why worry? "A man may be careless how he buys and what he buys, if he's careful where he buys."

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shirts. \$1.85 for \$3.00 and \$3.50 shirts.

ROGERS PEET COMPANY. Three Broadway Stores

Warren St. 13th St. 34th St.

"SERF!" CRIED FIELDS; MARCUS LOEW SERVED

"Dirty Loaf!" Is Announcemen of Player's Score in Unique Tennis Match.

white working ciothes flashed on the Senate Saturday by the Hon. J. Ha Lewis had nothing on the makeup of the notable athletes who gathered on th tennis courts back of the Lew Fields summer home in Franklin avenue, Edge mere, yesterday forenoon to settle one and for all the tennis championship of the Rockaways. With the entire wardrobe of "All Aboard" to draw from famous athletes like Marcus Loew, Mr. Fields, Municipal Court Judge David L. Weil, Arthur Aylesworth, star of "Eiss Me Quick"; President Zukor of the Players Film Company, and Manager Leo 14th Street, near Fourth Avenue, Teller of the Broadway Theatre, Brooklyn, were arrayed like the lilles of the weberfields.

The fact that Mr. Fields had put consisting of a Bulgarian crayat that ev he wouldn't dare wear on the stage did: give Lew the right in the eyes of his opponent. Marcus Loew, to start anythin by calling names in the excitement of t owned the tennis outfit and courts was n reason that he should say what h say.
"Serf!" cried Lew in what seemed to

Marcus Loew a contemptuous man "Marcus, you serf!" There was an argument, Marcus Loey insisting hotly that he was no serf, explanation that Lew was trying to his opponent to serve helped some,

the other great player was only partly mollified. The game went on. "Dirty loaf!" cried Lew suddenly, just when everything seemed to be going well | 335 "Dirty loafer is much too much."
will not have it." cried Marcus Loew, and the argument was on again. "For years you have been Joking Cho—now you got me loe—choking Cho—now you got me Rut.

But The body was taken to a drug store.

rstand Judge Weil first calmed the excited Mr.

tight Loew, and then explained in Enslish that
more Lew probably was trying to say "thirty
it you love." Lew won his game to say "thirty that when you get the bosses in a tight hole you should squeeze them some more and choke them until you get what you want.

"I have been told that I'm only a woman and do not understand. They tell me that when the strike is over I'll go back to New York. Perhaps I'll go to jail. I know I could purchase my freedom by betraying you. I want to see your sacrifice rewarded with victory."

Organizer Ewald Koettgen said: "If some of the workers go back to the mills on a nine hour day and an increase you folks in the other mills should not. If we get a majority of the mills on a nine hour basis we can compel all shops to close at



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Size 13 in square. Tufted spring seat. Bes quality of genuine leather; dome casters. It in. high (when on stoop. Chair Height) Other bargains in Furniture, Carpets, &c., at

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IIAMMERSTEIN'S Ching Ling Foo ROOF & Duils Mat. & 16 Big Acts HARLEM House STOCK "GOING SOME" Pycry Day Incl Sun 2 2048 20, 25 4 50. "QUO VADIS?" Astounding

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College of St. Elizabeth CONVENT STATION, New Jersey A Catholic College for Women

"THE ACADEMY OF ST. ELIZABETH" FALLS TO DEATH PLAYING "TAG."

Rubin Shar Drops From Roof of

Five Story Building. Rubin Shar, a fourteen-year-old boy of Sixth street, fell of the five story tenement at 101 Orchard street yesterday afternoon and was killed instantly. With other children he was

The body was taken to a drug store at CAR KNOCKS GIRL TO STREET

Child and Brother Were Out Drive ing at Time of Accident.

A light carriage in which Violet Morris-A fight carriage in which Violet Morrison, 11 years old, of 305 West 125th street, was driving with her brother, yesterday after-noon, was struck by an Eighth avenue car at 120th street. The girl was thrown to the street and badly cut on the scalp and about the body

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